IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 845 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MACHHALAMANI KALIAPPAN MADRASI

Versus

STATE OF GUJARAT

Appearance:
MR CHETAN B RAVAL for Petitioner
MS HARSHA DEVANI, ld.APP for Respondents Nos.1 & 2

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 27/09/2000

ORAL JUDGEMENT

This petition was filed by the present petitioner with the allegation that he had married respondent no.4, namely, Lata Ambalal Nagar on 2nd March 2000 at Chennai and the marriage was also registered at Chennai. However, the father of the girl had detained Lata and that she was under wrongful confinement. The petitioner filed this petition with the prayer that the respondents be directed to produce Lata before this Court and her custody be given back to him. The age of Lata was given out as 20 years.

Rule was issued on 20th September 2000 and the Police Inspector of Meghaninagar Police Station, Ahmedabad was directed to produce respondents nos.3 and 4 before this Court. Today, when the matter was called out, the police has produced respondent no.4, namely, Lata and her father Ambalal Punamchand Nagar. The petitioner, namely, Machhalmani along with his father and mother is also present in the Court.

In presence of the petitioner himself when Lata was asked about her age, she has given out her age as 18 years and has stated that she is living with her father, she wants to go with her father and she has not been wrongfully confined by her father. She has admitted before this Court about the factum of her marriage with the petitioner on 2nd March 2000, but has declined to go with the petitioner. Since she is admittedly a major, she is free to live at her liberty. She has also submitted that she had given her School Leaving Certificate to the petitioner in which her date of birth is recorded as 1.9.1981 and she has requested that this original document, i.e. School Leaving Certificate which is available with the petitioner may be got back to her from the petitioner. The petitioner's Counsel in the open Court has passed on this School Leaving Certificate, Book No. 78, Sr.No. 7581, General Register No.7080 in the name of the student Nagar Lataben Ambalal to her. In any case, we do not find that this is a fit case to issue a writ of Habeas Corpus. This Special Criminal Application for Habeas Corpus fails. The same is hereby rejected. Lata is left free to her liberty. Rule is hereby discharged.

(M.R.Calla, J.)

(R.R.Tripathi,J.)

Sreeram.